
Emergency Rules

Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 6—Bail Bond Agents and Surety Recovery Agents

EMERGENCY RULE

20 CSR 700-6.150 Initial Basic Training for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents

PURPOSE: This rule outlines initial basic training requirements for bail bond agents, general bail bond agents, and surety recovery agents under sections 374.710 and 374.784, RSMo Supp. 2004.

*EMERGENCY STATEMENT: This emergency rule contains guidelines for the licensing of general bail bond, bail bond and surety recovery agents. During the 2004 legislative session, the General Assembly enacted Senate Bill 1122 which enacted the "Professional Bail Bondsman and Surety Recovery Agent Licensure Act," (RSMo sections 374.695 to 374.789). SB 1122, effective January 1, 2005, substantially revises the requirements for licensure for bail bond licensees and grants the department regulatory authority over surety recovery agents. Specifically, SB 1122 imposes new licensing and education obligations on applicants for a bail bond license and prohibits any person, including all current surety recovery agents, from performing surety recovery activities in the state of Missouri as of January 1, 2005, unless licensed by the department. This emergency rule is necessary to protect the public health, safety and welfare of Missouri citizens by ensuring the continued uninterrupted availability of bail bond and surety recovery services in the state of Missouri after January 1, 2005, including the continued recovery of fugitives and/or criminal defendants by establishing procedures to allow the prompt licensing of bail bond and surety recovery applicants. As a result, the Missouri Department of Insurance finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires emergency action. A proposed rule, which covers the same material, is published in the October 15, 2004 issue of the *Missouri Register*. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rule, representatives of the professional licensing, bail bond and surety recovery industries were consulted. Additionally, the department has previously published the emergency rule on its website in an attempt to solicit comments from effected parties. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed October 29, 2004, effective January 1, 2005 and expires June 29, 2005.*

(1) Initial Basic Training. Except as otherwise provided by law, before an individual may be licensed as a bail bond agent, general bail bond agent, or surety recovery agent s/he must first fulfill the initial basic training requirements set forth in sections 374.710 and 374.784, RSMo. The initial basic training must be completed within a twelve (12)-month period prior to submitting an application. The basic course of training shall consist of a minimum of twenty-four (24) hours, taught by personnel with qualifications approved by the director and shall include instruction in all of the following subject areas:

(A) Areas of Law.

1. Statute: Chapter 374, sections 374.695 to 374.789, RSMo;
2. Statute: Chapter 544, RSMo—Arrest, Examination, Commitment and Bail;
3. Applicable federal and state constitutional and case law, including, but not limited to:
 - A. Warrants/warrant procedures.

- B. Incarceration, surrender and release.
- C. Extraditions.
- D. Use of force.
- E. Custody and transportation.

(B) Bail Bond Training.

1. Licensing.
 - A. Test procedures.
 - B. Regulation.
 - C. Terminology.
2. Documentation.
 - A. Power of Attorney.
 - B. Contracts: elements, classifications.
 - C. Certifications.
 - D. Revocation of bail.
 - E. Incarceration, surrender and release.
3. Missouri Supreme Court Rules: 33.17, 33.18, 33.19.
4. Rights of a bondsman.
 - A. History.
 - B. Powers.
 - C. Principles.
 - D. Practices.
5. Business etiquette.
 - A. Contracts.
 - B. Appearance.
 - C. Ethics.

(C) Surety Recovery Training.

1. Licensing.
 - A. Test procedures.
 - B. Regulation.
 - C. Terminology.
2. Documentation.
 - A. Contracts.
 - B. Authority.
 - (I) Warrants.
 - (II) Certifications.
 - (III) Extradition.
 - (IV) Incarceration and surrender.
3. Apprehension procedures.
 - A. Authority notification.
 - B. Techniques.
 - (I) Verification.
 - (II) Proper use of force.
 - (III) Self-identification.
 - (IV) Custody and transportation.
4. Legal liability.

(2) Authorized Educational Providers.

(A) Pending approval by the department upon submission of an application for course provider, the director shall grant authority to public or private institutions, educational organizations, associations or individuals to provide the required initial basic training. All course provider applications must include a course outline and list of instructors, as provided herein. Applicants for course provider must have demonstrated three (3) years prior competent experience in the areas of instruction listed in section (1) of this rule.

(B) Each course provider and each course must be approved by the director. Application forms for this approval are available on the department's website at www.insurance.mo.gov and at the Department of Insurance. In order for the director to review applications for approval, the following must be submitted:

1. The provider's application must include each instructor's qualifications and a listing of dates and times of all scheduled courses. Upon approval of the course, notification will be returned to the provider indicating the course number assigned by the Department of Insurance. Once approved, subsequent courses with a schedule of

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dates and times the course will be offered must be submitted thirty (30) days prior to holding the course.

2. A course outline prepared by each instructor which demonstrates the topics to be taught and the time that will be devoted to each topic. Course outlines shall indicate a sufficient amount of time for each subject area and must include all subjects as listed in this section.

3. An application fee of one hundred dollars (\$100) must be submitted with the provider and course application. Personal checks are not accepted.

4. The cost per student for the twenty-four (24)-hour initial basic training which shall not exceed two hundred dollars (\$200).

(C) All approved course providers shall complete a class roster in the form approved by the department indicating all course attendees for each day classes are held which shall be sent to the Missouri Department of Insurance within thirty (30) days of completion of the course.

(D) Course providers shall present each attendee with a Certificate of Completion of Initial Basic Training upon the attendee's successful completion of the course, in the form approved by the department.

(E) The Missouri Department of Insurance may audit the approved courses at any time.

(F) Self-study courses in any format, or electronic or telephone conference courses shall not be eligible for approval for initial basic training.

(G) Class roster and Certificate of Completion of Initial Basic Training forms are available on the department's website at www.insurance.mo.gov and at the Department of Insurance.

*AUTHORITY: sections 374.045, RSMo 2000 and 374.705, 374.710 and 374.784, RSMo Supp. 2004. Original rule filed Sept. 14, 2004. Emergency rule filed Oct. 29, 2004, effective Jan. 1, 2005, expires June 29, 2005. An emergency and proposed rule covering this same material will be published in the Dec. 1, 2004 issue of the **Missouri Register**.*